

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGEL GARCIA,

Plaintiff,

-v.-

C.O. PALMENTERI, CAPTAIN CHARLES,  
and THE CITY OF NEW YORK,

Defendants.

19 Civ. 7441 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On June 2, 2022, the Court held a telephonic conference to discuss the next steps in this case following the passing of Plaintiff Angel Garcia. (*See* Minute Entry for June 2, 2022). Following the conference, the Court issued an Order stating that Ms. Garcia, the deceased Plaintiff's mother, had 60 days to file the relevant estate proceeding and to be appointed Administratrix to her son's estate. (Dkt. #57). The Order also scheduled a telephonic conference for August 5, 2022, to discuss the status of the estate proceeding. (*Id.*).

Earlier today, the Court held a telephonic conference attended by Ms. Garcia, Roxane Mosaphir, and counsel for Defendants. At the conference, Ms. Garcia informed the Court that she had attempted to file the relevant estate proceeding, but was told that she could not move forward with the proceeding without the involvement of Ms. Mosaphir and Mr. Morales. After Defendants noted that they had no objection to an extension of the time for Ms. Garcia or another proper party to file a motion for substitution pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, the Court extended the deadline for

such a motion to **September 28, 2022**. The Court reiterates that the failure to meet this deadline will result in the dismissal of this case.

The Court will hold another telephonic conference to discuss the status of the estate proceeding and next steps in this case on **September 28, 2022, at 12:30 p.m.** At the scheduled date and time, the parties shall call (888) 363-4749 and enter access code 5123533.

Defendants are ORDERED to provide a copy of this Order to Ms. Garcia via email. Lastly, the Clerk of Court is directed to mail a copy of this Order to Plaintiff's address of record to the attention of James Garcia c/o Roxane Mosaphir.

SO ORDERED.

Dated: August 5, 2022  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge